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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

EUGENE McATEER, an individual;

Plaintiff,

vs.

SUNFLOWER BANK, N.A.; and DOES 1-10
and ROES 1-10, inclusively;

Defendants.

CASE NO.: 2:20-cv-02285-APG-EJY

STIPULATION AND ORDER TO EXTEND
TIME TO COMPLETE ALL
DEPOSITIONS AND (POTENTIAL)
FORENSIC EXAMINATIONS AS
ORDERED IN ECF NO. 87

(First Request)

IT IS HEREBY STIPULATED AND AGREED, by and between the parties, by and through their counsel of record, that the deadline to complete all depositions and (potential) forensic examinations, as ordered by the Court in ECF No. 87 (the "Order"), shall be extended by fourteen (14) days, for the purpose of allowing Defendant Sunflower Bank, N.A. ("Sunflower") to fully prepare for the aforementioned depositions.

I. ADDITIONAL DISCOVERY ALLOWED BY THE COURT

On March 11, 2024, the Court ordered, in part, as follows:

(1) Excluding any attorney-client privilege communications or work product, Defendant **must** identify the person or persons most knowledgeable about how documents responsive to Plaintiff's document requests were searched for, identified, reviewed, and gathered for production to its counsel. This includes the forensic search and all prior efforts as well.

(2) Defendant **must** make this individual or individuals available for deposition by Plaintiff no later than twenty-one (21) days after the date of this Order unless the parties agree on a later

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date. The deposition may proceed by video. Defendant is to pay the cost for the videographer and the transcript of the proceeding.

(3) Upon completion of the depositions of the person or persons most knowledgeable, Plaintiff may, at his discretion and as appropriate, (a) confer with defense counsel regarding Defendant's obligation to search for and produce additional documents, (b) retain a forensic expert, whose reasonable fees and costs are to be borne by Defendant, who will be entitled to conduct a reasonable search of all electronically stored information under Defendant's control for responsive, non-privileged documents, or (c) contact the Court through a succinct status report seeking a hearing to discuss how this discovery should proceed.

(4) Defendant **must** thoroughly prepare its Rule 30(b)(6) deponent for a second day of deposition. The second day of deposition **must** occur within thirty (30) days of the date of this Order unless the parties agree to a later date. The costs for the videographer and transcript of the second day of the Rule 30(b)(6) deposition are to be borne by Defendant.

II. REASONS WHY PARTIES REQUEST AN EXTENSION

Defendant Sunflower represents that it is in the midst of business dealings which require more time and resources than its typical day-to-day operations. This limits Sunflower's availability for adequate preparation within the deadlines set by the Court. To ensure adequate preparation, the parties request a 14-day extension of all deposition and examination deadlines set by the Court in ECF No. 87.¹ The parties agree not to further extend the deadlines referenced herein absent extraordinary circumstances.

III. PROPOSED EXTENDED DEADLINES

The parties respectfully request this Court enter an order as follows:

(A) Deposition Regarding How Documents Were Searched for / Found.

The current deadline for Defendant Sunflower to identify and produce the individual most knowledgeable about how documents responsive to Plaintiff's document requests were "searched for, identified, reviewed, and gathered for production" for deposition is Monday, April 1, 2024. The

¹ Plaintiff does not request an extension of his deadline to file a memorandum for related fees and costs.

parties request that it be extended to Monday, April 15, 2024.

(B) 30(b)(6) Deposition Deadline.

The current deadline to take the second day of 30(b)(6) deposition testimony is Wednesday, April 10, 2024. The parties request that this deadline be extended to Wednesday, April 24, 2024, to allow Plaintiff to conduct the deposition.

IT IS SO STIPULATED AND AGREED.

DATED this 21st day of March, 2024.

DATED this 21st day of March, 2024.

LAGOMARSINO LAW

FISHER & PHILLIPS LLP

/s/ Taylor N. Jorgensen

/s/ Scott M. Mahoney

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IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE

DATED: March 22, 2024

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